

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29901 of 2024

Arising Out of PS. Case No.-291 Year-2023 Thana- AURAI District- Muzaffarpur

1. Ramesh Sahni son of Panchu Sahni Resident of Village- Ghanshyampur, P.S.- Aurai, Dist.- Muzaffarpur
2. Ashok Kumar @ Ashok Sahni son of Bhikhari Sahni Resident of Village- Ghanshyampur, P.S.-Aurai, Dist.- Muzaffarpur
3. Bhikhari Sahni son of Panchu Sahni Resident of Village- Ghanshyampur, P.S.- Aurai, Dist.- Muzaffarpur
4. Bajrangi Kumar Son of Ramesh Sahni Resident of Village- Ghanshyampur, P.S.- Aurai, Dist.- Muzaffarpur
5. Rani Devi Wife of Ramesh Sahni Resident of Village- Ghanshyampur, P.S.- Aurai, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-07-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Aurai P.S. Case No. 291 of 2023 instituted under Sections 147, 149, 341, 323, 325, 307, 379, 504 and 506 of the Indian Penal Code lodged on 10.12.2023 by the informant, Sujeet Kumar.

3. As per the prosecution story, the informant alleged that due to land dispute, the accused persons came to the place of his aunt and this petitioner hit him with the butt of his rifle on



his head. When the family members came to his rescue, they were beaten by the accused persons causing injuries to Rahul Kumar, Ajit Kumar and Saheb Sahani. The further allegation of snatching of the chain from his mother is attributed to Manoj Sahani. Accordingly, the FIR.

4. The allegation in the FIR is that the accused persons armed variously came and firstly Laxman Sahni assaulted by butt of rifle on the head of the informant and when the family members came to the rescue, all the named accused persons which included the petitioner assaulted with the help of iron rod, 'Farsa' etc. causing injury on the body as also head of Rahul Kumar, Ajit Kumar and Saheb Sahani and they were shifted to Shree Krishna Medical College and Hospital, Muzaffarpur.

5. Learned counsel for the petitioners submit that there is case and counter case, injuries have been suffered by both the parties, some grievous and others simple in nature and further to implicate everyone, the female inmates have also been dragged in.

6. Mr. Jitendra Kumar Singh, learned APP on the other hand opposes the prayer submitting that a perusal of the FIR would show that brutal assault took place with the family



members and in that background, the petitioners who are asking for anticipatory, the same cannot be extended to them.

7. There is force in the submission of learned APP, the allegation of assault on all the accused persons is/are there. Admittedly, some of the injuries have been found to be grievous in nature as incorporated in the learned Sessions' order, it would be appropriate that the petitioner nos. 1 to 4 seek bail. Their anticipatory bail application stands rejected.

8. So far as the petitioner no.5 namely Rani Devi is concerned, though omnibus allegation is against her, in view of the fact that she is an aged lady, do not have criminal antecedent, this Court is inclined to extend her the privilege of anticipatory bail.

9. Let the petitioner no.5, Rani Devi be released on bail, in the event of her arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Aurai P.S. Case No. 291 of 2023 to the satisfaction of learned J.M.-1st Class, Muzaffarpur (East) subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.



(i) one of the bailor should be the family member/relative of the petitioner no.5, Rani Devi who shall provide official document to show his/her bona fide;

(ii) petitioner no.5, Rani Devi shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) petitioner no.5, Rani Devi shall co-operate in the investigation and make herself available to the police as and when required;

(iv) petitioner no.5, Rani Devi shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) petitioner no.5, Rani Devi shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

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